



General Assembly

Substitute Bill No. 1435

January Session, 2001

AN ACT CONCERNING STATE MARSHALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 6-38b of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) There is established a State Marshal Commission which shall
4 consist of eight members appointed as follows: (1) The Chief Justice
5 shall appoint one member who shall be a judge of the Superior Court;
6 (2) the speaker of the House of Representatives, the president pro
7 tempore of the Senate, the majority and minority leaders of the House
8 of Representatives and the majority and minority leaders of the Senate
9 shall each appoint one member; and (3) the Governor shall appoint one
10 member who shall serve as chairperson. No member of the
11 commission shall be a state marshal, except that two state marshals
12 appointed by the State Marshals Advisory Board in accordance with
13 section 6-38c shall serve as ex officio, nonvoting members of the
14 commission.

15 (b) The chairperson shall serve for a three-year term and all
16 appointments of members to replace those whose terms expire shall be
17 for terms of three years.

18 (c) No more than four of the members, other than the chairperson
19 may be members of the same political party. Of the seven nonjudicial

20 members, other than the chairperson, at least three shall not be
21 members of the bar of any state.

22 (d) If any vacancy occurs on the commission, the appointing
23 authority having the power to make the initial appointment under the
24 provisions of this section shall appoint a person for the unexpired term
25 in accordance with the provisions of this section.

26 (e) Members shall serve without compensation but shall be
27 reimbursed for actual expenses incurred while engaged in the duties of
28 the commission.

29 (f) The commission, in consultation with the State Marshal's
30 Advisory Board, shall adopt regulations in accordance with the
31 provisions of chapter 54 to establish professional standards, including
32 training requirements and minimum fees for execution and service of
33 process. [Such standards and requirements shall be in force and effect
34 by December 1, 2000.]

35 (g) Any vacancy in the position of state marshal in any county as
36 provided in section 6-38 shall be filled by the commission with an
37 applicant who shall be an elector in the county where such vacancy
38 occurs. Any applicant for such vacancy shall be subject to the
39 application and investigation requirements of the commission.

40 (h) Except as provided in section 6-38f, no person may be a state
41 marshal and a state employee at the same time.

42 (i) No state marshal may be removed except by order of the
43 commission for cause after due notice and hearing.

44 (j) Each state marshal shall pay an annual fee of two hundred fifty
45 dollars.

46 [(j)] (k) The commission may adopt such rules as it deems necessary
47 for conduct of its internal affairs and shall adopt regulations in
48 accordance with the provisions of chapter 54 for the application and
49 investigation requirements for filling vacancies in the position of state

50 marshal.

51 [(k)] (l) The commission shall be an autonomous body within the
52 Judicial Department. [for fiscal and budgetary purposes only.]

53 (m) The commission shall appoint an executive director and such
54 staff as may be deemed necessary, provided the executive director
55 shall be an attorney admitted to practice in this state.

56 Sec. 2. Section 6-38f of the general statutes is repealed and the
57 following is substituted in lieu thereof:

58 (a) (1) Notwithstanding the provisions of section 6-38, [until the
59 appointment of members of] the State Marshal Commission [under
60 section 6-38b, the Chief Court Administrator is authorized to] shall
61 appoint as a state marshal any eligible individual who applies for such
62 a position. [Any eligible individual appointed prior to December 1,
63 2000, shall have the same powers, duties and liabilities as a deputy
64 sheriff from the date of such individual's appointment until December
65 1, 2000.] For purposes of this section "eligible individual" means an
66 individual who was a deputy sheriff or special deputy sheriff of a
67 corporation on or after May 31, 1995, who had served as a deputy
68 sheriff or special deputy sheriff of a corporation for a period of not less
69 than four years and who has submitted an application to the [Chief
70 Court Administrator on or before June 30, 2000] State Marshal
71 Commission on or before June 30, 2001, provided any such eligible
72 individual submitted an initial application dated on or before June 30,
73 2000.

74 (2) For the purpose of showing proof of service as a deputy sheriff,
75 as required by this subsection, information contained in the
76 Connecticut State Register and Manual shall be accepted as evidence.

77 (3) Any person determined not to be eligible for appointment as a
78 state marshal under this subsection may appeal to the Superior Court,
79 pursuant to chapter 54.

80 (b) Except as provided in subsection (a) of this section: (1) Any
81 deputy sheriff serving as a deputy sheriff on April 27, 2000, shall notify
82 the Chief Court Administrator on or before June 30, 2000, of the desire
83 of such deputy sheriff to be appointed as a state marshal.

84 (2) Any deputy sheriff performing court security, prisoner custody
85 or transportation services on April 27, 2000, who desires to perform
86 such functions as a judicial marshal, or desires to be appointed as a
87 state marshal, shall so notify the Chief Court Administrator on or
88 before June 30, 2000.

89 (3) The Chief Court Administrator shall notify, in writing, the State
90 Marshal Commission of the decisions of the deputy sheriffs pursuant
91 to subdivisions (1) and (2) of this subsection.

92 (c) [For] Except as provided in subsection (a) of this section, for
93 purposes of the State Marshal Commission filling any vacancy in the
94 position of state marshal in any county in accordance with subsection
95 (g) of section 6-38b [, nothing in subsection (a) of this section shall be
96 construed to authorize] the State Marshal Commission [to] shall not fill
97 a vacancy in any county if the total number of state marshals in such
98 county is equal to or exceeds the number allowed under section 6-38.

99 Sec. 3. (NEW) On and after July 1, 2001, each person who files a civil
100 cause of action in the Superior Court in which the sole claim for
101 damages is not less than three thousand five hundred dollars shall pay,
102 in addition to the fee imposed by section 52-259 of the general statutes,
103 an additional fee of five dollars.

104 Sec. 4. (NEW) There is established a state marshal account which
105 shall be a separate nonlapsing account within the General Fund. The
106 additional fee paid into court under section 3 of this act and any fee
107 collected pursuant to subsection (j) of section 6-38b, as amended by
108 this act, shall be deposited in the General Fund and shall be credited to
109 said account. Funds in the account may be expended by the State
110 Marshal Commission for the operating expenses of the commission.

111 Sec. 5. Subsection (b) of section 52-367b of the general statutes is
112 repealed and the following is substituted in lieu thereof:

113 (b) If execution is desired against any such debt, the plaintiff
114 requesting the execution shall notify the clerk of the court. In a IV-D
115 case, the request for execution shall be accompanied by an affidavit
116 signed by the levying officer attesting to an overdue support amount
117 of five hundred dollars or more which accrued after the entry of an
118 initial family support judgment. If the papers are in order, the clerk
119 shall issue such execution containing a direction that the officer
120 serving the same shall, within [seven] forty-five days from the receipt
121 by the officer of such execution, make demand (1) upon the main office
122 of any banking institution having its main office within the county of
123 such officer, or (2) if such main office is not within such officer's county
124 and such banking institution has one or more branch offices within
125 such county, upon an employee of such a branch office, such employee
126 and branch office having been designated by the banking institution in
127 accordance with regulations adopted by the Commissioner of Banking
128 in accordance with chapter 54, for payment of any such nonexempt
129 debt due to the judgment debtor and, after having made such demand,
130 shall serve a true and attested copy of the execution, together with the
131 affidavit and exemption claim form prescribed by subsection (k) of this
132 section, with [his] such officer's doings endorsed thereon, with the
133 banking institution officer upon whom such demand is made.

134 Sec. 6. This act shall take effect from its passage, except that sections
135 1, 3 and 4 shall take effect July 1, 2001.

JUD *Joint Favorable Subst.*